

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**  
JACQUELINE SILVER, : 15-cv-03462-ARR-ST  
Plaintiff, :  
 :  
- versus - : U.S. Courthouse  
 : Brooklyn, New York  
 :  
CITY OF NEW YORK NYPD BAYSIDE :  
QUEENS PRECINCT, et al., : August 30, 2017  
Defendant :  
-----X

TRANSCRIPT OF CIVIL CAUSE FOR STATUS CONFERENCE  
BEFORE THE HONORABLE STEVEN TISCIONE  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**

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Proceedings

1 THE CLERK: Civil Cause for Status Conference,  
2 docket number 15-cv-3462, Silver v. City of New York NYPD  
3 Bayside Queens Precinct, et al.

4 Parties please state your appearances for the  
5 record.

6 MS. SILVER: Jacqueline Silver, pro se  
7 plaintiff.

8 THE COURT: Okay.

9 MS. FITZGIBBON: Assistant Corporation Counsel  
10 Kaitlin Fitzgibbon.

11 THE COURT: And we have nonparties on the line,  
12 as well. Can you just state your appearance for the  
13 record? Just state your name for the record.

14 MS. WORTMAN: Susan Wortman.

15 THE COURT: Okay.

16 MR. WORTMAN: And I'm Victor Wortman.

17 THE COURT: Okay. Thank you.

18 THE CLERK: The Honorable Steven Tiscione  
19 presiding.

20 THE COURT: All right. So I want to deal with  
21 this motion that keeps coming back. Ms. Wortman, you had  
22 already come into court the last time to deal with the  
23 subpoena. Mr. Wortman, I had never heard from you. So  
24 let me ask you, did you receive a subpoena in this case  
25 from Ms. Silver asking for certain documents?

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1 MR. WORTMAN: I received lots of papers that I  
2 have in front of me from her.

3 THE COURT: Okay.

4 MR. WORTMAN: And I am trying to make heads and  
5 tails out of it. The police department is suing them,  
6 not suing them. I jut -- I am all mixed up. And also,  
7 the morning of the -- when everyone was there, the last  
8 time you did this case --

9 THE COURT: Uh-hum.

10 MR. WORTMAN: -- I got a call from Jackie  
11 Silver in the morning telling me not to go because she is  
12 not going to go and if she does go -- I just wrote this  
13 out here -- and if she does go to court, she is going to  
14 say that I threatened her and needs to leave immediately,  
15 unless you get extra security.

16 So I am very confused. I mean, if you need me  
17 in court, I will be happy to come any day, any time. I  
18 just don't want it to be frivolous because this thing is  
19 never going to end.

20 And also, there's a -- I don't know -- your  
21 Honor, I don't know if you're aware, there is a case  
22 pending in criminal court.

23 MS. SILVER: I object.

24 MR. WORTMAN: They actually arrested her.

25 MS. SILVER: I object.

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1 MR. WORTMAN: So I am waiting to figure out  
2 what that's all about.

3 THE COURT: You'll get your opportunity to  
4 talk.

5 MR. WORTMAN: So it's very confusing but the  
6 end result is, any time you tell me, your Honor, to be  
7 there, I will be there earlier than I am supposed to.

8 THE COURT: Okay. The only issue for me at  
9 this point is there's a -- before me is just the civil  
10 case. I have a motion for contempt for failing to answer  
11 a subpoena. My understanding is the subpoena asks for  
12 certain documents that are in the possession of  
13 apparently one of the Wortmans or --

14 MR. WORTMAN: Victor Wortman.

15 THE COURT: Victor. I don't know if you have  
16 any of these documents.

17 MR. WORTMAN: I never saw any document. I  
18 never received any document. I don't know what she is  
19 talking about and basically, that's -- that's the whole  
20 thing I could tell you about papers.

21 THE COURT: Okay.

22 MR. WORTMAN: I mean, she's playing me.

23 THE COURT: Okay.

24 MS. WORTMAN: Your Honor, can I interrupt for  
25 one second?

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1 THE COURT: Sure.

2 MS. WORTMAN: I have a letter stating that I --  
3 that I fulfilled this being in contempt of court. Is  
4 there a reason that I am part of this phone call? I  
5 could even read you a paragraph of it where it says it  
6 was sent to me from Ms. Fitzgibbon, the day that I was in  
7 court.

8 THE COURT: Uh-hum.

9 MS. WORTMAN: You said that -- do you want me  
10 to read it to you?

11 THE COURT: No, the reason you're in court is  
12 because there was a subsequent motion that was filed and  
13 I just want to put this issue to bed. So --

14 MS. WORTMAN: What was the subsequent issue?  
15 That's what I don't understand because I was never  
16 notified of anything subsequent.

17 THE COURT: It all comes back to the same  
18 issue. So I just -- let me just ask this straight out.  
19 Ms. Silver, what is it exactly that you're looking for  
20 and why do you think Mr. or Mrs. Wortman have the  
21 documents that you're looking for.

22 MS. SILVER: Okay. Back in 2016, I had full  
23 conversation with Mr. Wortman. I have it on a recorded  
24 phone -- on an MP3 player.

25 THE COURT: Talk into the mic, so that you --

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1 MS. SILVER: Okay. Back in 2016, I had a phone  
2 call -- a lengthy phone call conversation with Mr.  
3 Wortman in which he specifically told me he has documents  
4 in his possession. He event went to -- as far as to say  
5 that I was evaluated by psychiatrist and it's common  
6 knowledge about this. And he's very adamant. I can  
7 produce the tape.

8 I actually in a contempt motion, because he  
9 never answered the subpoena, and I have it in my contempt  
10 motion to Judge Ross back in March of 2017. And I also  
11 have a verbatim, you know, when you go through the tape  
12 where it is.

13 THE COURT: Uh-hum.

14 MS. SILVER: And he says he has no use for  
15 them. He said that he got them. They were found in his  
16 doorstep and Mr. Wortman and Mrs. Wortman are married.  
17 So if they are found on the doorstep, I have to subpoena  
18 Susan Wortman, too. And that's what started it all.

19 MR. WORTMAN: How about calling the temple?

20 MS. SILVER: And what happened was, he  
21 specifically -- could I read it to you what he said  
22 verbatim, your Honor?

23 THE COURT: What are these documents?

24 MS. SILVER: Okay. They're documents  
25 supposedly that have information, maybe a police report,

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1 and maybe information, according to him, that's relevant  
2 to my case. So I have known him since 1998.

3 Back in 2012, when I got involved with him  
4 because he lied to me about his marriage, he told me he  
5 will help me because he couldn't understand why my sister  
6 put me in the hospital, and he basically told me --

7 MR. WORTMAN: By who? Your sister?

8 MS. SILVER: My sister, Victor.

9 MR. WORTMAN: I don't even know that you have a  
10 sister.

11 MS. SILVER: Okay. Okay. So anyway, so --

12 MR. WORTMAN: It's all in your mind.

13 MS. SILVER: -- he was very adamant -- he was  
14 very adamant about the documents and he said he has no  
15 use for them. We were supposed to meet at a pizza place  
16 in New Hyde Park and I told him -- and then one thing led  
17 to another, his wife was supposed to be there too. He  
18 said he has very specifically 61 pages --

19 MS. WORTMAN: I was supposed to be at a pizza  
20 store?

21 MS. SILVER: -- 61 pages of documents including  
22 my health records --

23 MS. WORTMAN: (Indiscernible).

24 MS. SILVER: -- psychiatric evaluations, police  
25 reports that probably could lead to the names of the cops

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1 who was in front of my house that morning of May 27,  
2 2012. I have known him for a very long time.

3 And that's --

4 MR. WORTMAN: Why were the cops there?

5 MS. SILVER: -- to me, your Honor, that's not  
6 really relevant. The fact is that they were served,  
7 personally served on December 26th of 2017 -- 2016, I  
8 apologize, by Mr. Gottlieb, personally served each, a  
9 motion -- no, to produce the documents -- a subpoena to  
10 produce the documents.

11 So what happened was Susan Wortman said --  
12 excuse my language, she goes, "What is this shit?" And  
13 she threw the papers in his face.

14 MS. WORTMAN: I threw them on the floor, Ms.  
15 Silver.

16 MS. SILVER: She evaded service. She lied --

17 MS. WORTMAN: I have never thrown --

18 MS. SILVER: -- and also, she evaded service  
19 and -- okay.

20 MS. WORTMAN: I threw them on the floor.

21 THE COURT: Okay.

22 MS. SILVER: Okay. I'm a licensed process  
23 server, your Honor, and anything --

24 MR. WORTMAN: I was there. She never threw a  
25 paper.



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1 MS. SILVER: -- that disrupts service --

2 THE COURT: Okay.

3 MS. SILVER: -- it's not -- it's not relevant.

4 Okay. So then what happened was --

5 THE COURT: I just want to know what the  
6 documents are that you're looking for and whether or not  
7 these individuals have them, that's it.

8 MR. WORTMAN: Your Honor, your recent --

9 THE COURT: That's all I want to know.

10 MR. WORTMAN: Your Honor, may I --

11 MS. SILVER: Victor Wortman on the recorded  
12 phone line --

13 MR. WORTMAN: -- interrupt for a second?

14 MS. SILVER: -- telling me he has them. He's  
15 very adamant. I was supposed to meet him at a pizza  
16 place in New Hyde Park at around February 16th. So he  
17 told me --

18 MR. WORTMAN: At a pizza place? Why would I go  
19 to New Hyde Park?

20 MS. SILVER: -- he told me that they were very  
21 relevant to my case. He said he specifically named the  
22 pages and all I want are my documents. I don't want to  
23 hold anybody in contempt and that's all I am asking for  
24 and they didn't answer -- you know, they violated an  
25 order.

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1 THE COURT: Okay. The only basis you have for  
2 thinking that Mrs. Wortman has them is because she is  
3 married to Victor Wortman, is that right?

4 MS. SILVER: Because she lives in the house and  
5 he said that he's very adamant and I have known him for  
6 over 15 years, your Honor. And he --

7 THE COURT: Okay. But --

8 MS. SILVER: -- said that they were found on  
9 his door stoop. But he doesn't -- I know him for a very  
10 long time.

11 THE COURT: -- from your own admission, he was  
12 the one who had them. there's no indication that Mrs.  
13 Wortman had them or had any control over them or had any  
14 knowledge of them, at least from what you're telling me.

15 MS. SILVER: I don't believe she doesn't have  
16 any knowledge of them because an hour and a half phone  
17 conversation that I had with her on the day after  
18 Mother's Day, she said to me, she's a crazy, honest to  
19 God, goody two shoes and she told me that she looked in  
20 the house. She couldn't find them. That doesn't mean  
21 she doesn't have knowledge of them.

22 And also, what happens, your Honor --

23 MS. WORTMAN: I do not have knowledge from  
24 them.

25 MS. SILVER: -- if Mrs. Wortman found them on

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1 the door stoop? I can't take that -- I mean, they're  
2 important documents that could be incriminating me. And  
3 then she told me they're in the Bay Terrace Jewish  
4 Center. So --

5 MS. WORTMAN: No, I didn't, Jackie.

6 MR. WORTMAN: That's a lie.

7 MS. SILVER: So that's what I have to do.

8 That's what I have --

9 MS. WORTMAN: I told you -- no, Jackie, you  
10 don't --

11 MS. SILVER: -- I have her on recorded phone  
12 lines.

13 MS. WORTMAN: -- if you have me recorded, then  
14 play it because what I said to you, Jackie --

15 MS. SILVER: Your Honor, can I please finish?

16 MS. WORTMAN: -- these are my exact words is  
17 that they're not in my house. They're either in his car  
18 or maybe the Bay Terrace Jewish Center.

19 MS. SILVER: She never said that. I object  
20 that. She never said that they are in his car.

21 MS. WORTMAN: That is what I said.

22 MS. SILVER: She never said that, your Honor.

23 MR. WORTMAN: That's if they exist.

24 THE COURT: All right.

25 MS. SILVER: Can I please finish what I need to

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1 say, your Honor.

2 THE COURT: This is a very simple issue.

3 MR. WORTMAN: What happened when you called the  
4 temple?

5 MS. SILVER: But the bottom line is, your  
6 Honor --

7 THE COURT: This is a very simple issue.

8 MS. SILVER: -- they didn't answer a subpoena.  
9 Their time has passed.

10 THE COURT: She has told you multiple times she  
11 doesn't have the documents.

12 MS. SILVER: But that's three months later,  
13 four months later.

14 THE COURT: Well, it's passed at this point.  
15 What's the difference?

16 MS. SILVER: Could you -- could you get her  
17 under oath saying that she doesn't have -- she has no  
18 knowledge --

19 THE COURT: I've already done that at the  
20 conference that you failed to show up for.

21 MR. WORTMAN: You didn't show up and you told  
22 me not to come and you're going to lie and you're going  
23 to say --

24 MS. SILVER: That's not true.

25 MR. WORTMAN: -- that I threatened you.

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1 MS. SILVER: I never said that.

2 MR. WORTMAN: Did I threaten you?

3 MS. SILVER: I never said that, your Honor.

4 THE COURT: I don't care.

5 MR. WORTMAN: I never said that like --

6 THE COURT: I don't see any reason why --

7 MR. WORTMAN: -- the rest of this is true.

8 THE COURT: -- Mrs. Wortman should be held in  
9 contempt. I am denying that motion. Mrs. Wortman, you  
10 are free to leave the call.

11 MS. WORTMAN: Thank you so much, your Honor.

12 MS. SILVER: Well, what about the motion to  
13 strike?

14 MS. WORTMAN: Thank you.

15 (Mrs. Wortman excused)

16 MS. SILVER: What about the motion to strike  
17 the letter?

18 MR. WORTMAN: Your Honor --

19 THE COURT: Nope.

20 MR. WORTMAN: -- may I just state one thing?

21 MS. SILVER: She put in a letter ex parte all  
22 about lies about me. How is she allowed to do an ex  
23 parte letter?

24 MR. WORTMAN: No.

25 THE COURT: It's not ex parte.

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1 MR. WORTMAN: No.

2 THE COURT: It's filed on the docket.

3 MS. SILVER: I didn't get served, your Honor.

4 THE COURT: That's too bad. You are a party in  
5 this case.

6 MR. WORTMAN: You're doing this for twenty  
7 years.

8 THE COURT: You are responsible for monitoring  
9 the docket.

10 MR. WORTMAN: Your Honor, I must tell you  
11 something.

12 MS. SILVER: Yeah, but I get served --

13 MR. WORTMAN: It's very important. She  
14 complained in her paper that I quickly read over, that  
15 her lawyer is upset that we didn't have the courtesy to  
16 call the lawyer back. When I called the lawyer, the  
17 lawyer said to me, "I have nothing to do with Jackie  
18 Silver, and please do not call me on anything, and I  
19 stress anything that has to do with Jackie Silver."

20 MS. SILVER: And so did Alexander Fine (ph.),  
21 his lawyer. And he has a lawyer. Where is his lawyer?  
22 Why isn't his lawyer on the phone?

23 MR. WORTMAN: She is a liar.

24 MS. SILVER: He's a liar.

25 MR. WORTMAN: And bordering psychopathic.

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1 MS. SILVER: Excuse me? Excuse me, Victor?  
2 You're the one that hallucinates.

3 MR. WORTMAN: That's my opinion.

4 MS. SILVER: You're the one that hallucinates.

5 MR. WORTMAN: My unprofessional opinion.

6 MS. SILVER: Listen, he is trying to, your  
7 Honor -- your Honor, he is trying to find every which way  
8 to get out of the --

9 THE COURT: Look, all I want to know is whether  
10 there's any documents.

11 MR. WORTMAN: I should try.

12 MS. SILVER: He has my documents. I have a  
13 phone -- can I play the phone recording?

14 THE COURT: Do you have the recording?

15 MS. SILVER: Yeah, but it's on -- I need to put  
16 it on a speaker and (indiscernible) something.

17 THE COURT: Mr. Wortman, do you have any  
18 documents that you received, I don't care how, that  
19 relate in any way to Ms. Silver's case?

20 MR. WORTMAN: Your Honor, I swear, I swear on  
21 everything that's good to me --

22 MS. SILVER: He's a liar. He's lying.

23 MR. WORTMAN: -- I do not have a document. I  
24 never saw a document. The reason I know about her  
25 conditions and how many institutions she was in and out

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1 of the last ten years --

2 MS. SILVER: Excuse me. How is he allowed to  
3 say all of this? This is not before you.

4 MR. WORTMAN: -- has strictly to do with her  
5 telling me everything and I kept on telling her, go to a  
6 doctor, go to a psychiatrist.

7 MS. SILVER: No, he didn't.

8 MR. WORTMAN: No, I didn't?

9 MS. SILVER: He had a three year relationship  
10 with me. No, he didn't. I have documents. I have texts  
11 -- I have texts from him and I have e-mails from him,  
12 your Honor. Okay?

13 MR. WORTMAN: That's when I told you, Sweetie,  
14 don't threat. Everything is going to work out. We got  
15 you money for rent. I went and raised \$12,000 for rent  
16 and what happened was when it came to collecting the  
17 rent, she wanted it in cash. So all the people that were  
18 involved in this loan said absolutely we're not going  
19 through with this because we do not want to give her  
20 cash. It's going to go to the wrong thing.

21 MS. SILVER: Your Honor, I object. That's  
22 not --

23 MR. WORTMAN: That's why she lost that.

24 THE COURT: Okay. Look, we're going off  
25 tangent here.



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1 MS. SILVER: To go off and say about my  
2 psychological --

3 THE COURT: Stop.

4 MS. SILVER: -- you know, that's irrelevant.  
5 That's really irrelevant.

6 THE COURT: Stop.

7 MR. WORTMAN: Everything that's --

8 THE COURT: I just want to know --

9 MR. WORTMAN: -- everything that's true is  
10 irrelevant, right?

11 THE COURT: -- is there any --

12 MS. SILVER: He has them, your Honor. I have  
13 him on the tape.

14 THE COURT: Okay. Well, I haven't heard the  
15 tape.

16 MR. WORTMAN: Let me hear the tape. Where do  
17 you have the tape?

18 MS. SILVER: I have it on a -- actually, I have  
19 it on a flash drive. I don't -- I couldn't bring  
20 anything into the Court. That's the problem.

21 MR. WORTMAN: And since when do you go around  
22 recording beforehand every -- you're just trying to set  
23 people up.

24 MS. SILVER: Okay. I will just tell you what  
25 he said and let him deny it, okay?

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1 MR. WORTMAN: And I have some witnesses telling  
2 me that you do this for a livelihood.

3 MS. SILVER: Your Honor, can I just read it?  
4 Your Honor, can I just read it to you?

5 MR. WORTMAN: Did you kick your aunt out of her  
6 house?

7 MS. SILVER: Your Honor, can I read it  
8 verbatim?

9 MR. WORTMAN: Jackie, did you kick -- did you  
10 kick your aunt out of the house?

11 MS. SILVER: What does this have to do with it,  
12 your Honor? He didn't answer --

13 MR. WORTMAN: It shows who you are.

14 MS. SILVER: -- the subpoena. He should be  
15 held in contempt.

16 MR. WORTMAN: It shows what you do.

17 THE COURT: Mr. Wortman --

18 MR. WORTMAN: You kicked your aunt out of the  
19 house --

20 MS. SILVER: This is totally irrelevant.

21 MR. WORTMAN: -- when she let you sleep there  
22 for two nights.

23 THE COURT: Okay.

24 MS. SILVER: This is ridiculous.

25 MR. WORTMAN: And you kicked her out and she

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1 couldn't sell the house.

2 MS. SILVER: Your Honor?

3 MR. WORTMAN: Did you do that?

4 MS. SILVER: Can I just -- can I just read  
5 this? Can I just read this to you, what he said?

6 THE COURT: Is it the same thing that is in  
7 your motion?

8 MS. SILVER: Yeah, verbatim.

9 THE COURT: So you don't --

10 MS. SILVER: So I want him to --

11 THE COURT: -- need to read it again.

12 MS. SILVER: Yeah, but can't he -- he didn't  
13 even oppose -- they didn't even oppose the motion. I'm a  
14 hundred percent sure he has my documents or Bay Terrace  
15 Jews -- they're playing a shell game.

16 MR. WORTMAN: You cannot call the Bay Terrace  
17 Jewish Center. You got a young thirteen year old girl  
18 that answered the phone --

19 MS. SILVER: He's throwing tangents --

20 MR. WORTMAN: -- and you asked her whose penis  
21 is larger.

22 MS. SILVER: He's going off on tangents. I  
23 object to this.

24 MR. WORTMAN: You cannot call the temple doing  
25 things like that. Now we have the tape and we have

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1 everything we need to put you away for a long time.

2 MS. SILVER: Your Honor, I object. If he has  
3 anything criminal against me, then I have a right to a  
4 criminal lawyer and this is nothing -- this has nothing  
5 to do with what's before you.

6 MR. WORTMAN: There's a criminal case --

7 MS. SILVER: He's evading -- he's evading --

8 MR. WORTMAN: -- pending.

9 MS. SILVER: -- he's trying not to give me my  
10 documents.

11 MR. WORTMAN: You were arrested by three  
12 detectives a few weeks --

13 MS. SILVER: Okay, this is irrelevant.

14 MR. WORTMAN: -- a few nights ago.

15 THE COURT: I just want to know whether there's  
16 any documents, Mr. Wortman.

17 MS. SILVER: Your Honor, this is irrelevant.

18 THE COURT: That's it.

19 MS. SILVER: He's -- he's defaming me.

20 MR. WORTMAN: Your Honor, I swear on everything  
21 that is good to me --

22 MS. SILVER: He's lying.

23 MR. WORTMAN: -- I never saw a document.

24 MS. SILVER: He's lying.

25 MR. WORTMAN: I never had a document. This is

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1 just one of the sinister ways that this person operates.  
2 She's trying to get money obviously. And she's done this  
3 before in many different cases. She told me about a  
4 sexual harassment case and how she twisted in it and how  
5 she twisted out of it.

6 MS. SILVER: What is he talking about?

7 MR. WORTMAN: I mean this was scary. I got a  
8 friend to call from my bookkeeper at the temple that this  
9 girl that says she's your friend and she's going through  
10 your garbage. Jackie, who was that person that was going  
11 through my garbage?

12 MS. SILVER: Your Honor, I object to all this.  
13 This is not what is before you.

14 MR. WORTMAN: And may I remind you, Jackie, you  
15 told me why you're going through my garbage. You said  
16 you lost your watch in my office.

17 MS. SILVER: And do you want me to start  
18 telling you what he did? I mean, this is irrelevant. I  
19 am not going to -- this is totally irrelevant.

20 MR. WORTMAN: It shows who you are. It shows  
21 what you are. It shows what you're made up of and we're  
22 asking you, tell me what you need to stop this.

23 MS. SILVER: I need my documents, Mr. Wortman,  
24 that are in your possession.

25 MR. WORTMAN: I just told you, there are no

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1 documents. That was a play. There is no documents.

2 MS. SILVER: A play for what --

3 MR. WORTMAN: You played it.

4 MS. SILVER: -- Victor?

5 MR. WORTMAN: Because you wanted to hold onto  
6 me.

7 MS. SILVER: Yeah, right, right. I have all of  
8 the texts from you, Victor. Meet me at the office. You  
9 want me to go into it? I have a whole thing. I am going  
10 to give it to the court.

11 MR. WORTMAN: There's a long thing between meet  
12 me at the office --

13 MS. SILVER: -- you're sexy and delicious.

14 MR. WORTMAN: -- because I am trying to find  
15 out how you know my children's address. Do you know that  
16 I haven't seen my grandchildren in weeks because of you?

17 MS. SILVER: All right. Your Honor, this is --  
18 your Honor, I want my documents. That's all I am asking  
19 for. He didn't answer the subpoenas. He never answered  
20 anything. He should be held in contempt and I want --

21 MR. WORTMAN: I didn't answer the subpoena  
22 because --

23 MS. SILVER: -- I want monetary sanctions. I  
24 am asking for monetary sanctions. This isn't right.  
25 There's no reason why he shouldn't answer a subpoena.

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1 MS. FITZGIBBON: If I may, your Honor?

2 MS. SILVER: Can I --

3 MS. FITZGIBBON: Defendants would ask that -- I  
4 mean, I know your Honor has asked plaintiff to identify  
5 the documents but defendants would ask the plaintiff to  
6 identify any documents that Victor Wortman might have  
7 that would not have been available to plaintiff via a  
8 FOIL request or a request to any agency of the City of  
9 New York or any request that would go through proper  
10 channels to identify these John Doe officers because I  
11 believe this whole issue of plaintiff's due diligence has  
12 now devolved into what appears to be a personal vendetta.

13 MS. SILVER: That's not true.

14 MR. WORTMAN: That's what it is.

15 MS. SILVER: No, that's not.

16 THE COURT: I have to agree. I don't see any  
17 relevance to any of this stuff.

18 MR. WORTMAN: Your Honor?

19 THE COURT: Motion is denied. Mr. Wortman,  
20 you're free to go.

21 MS. SILVER: That's not right.

22 MR. WORTMAN: Your Honor, I give \$1,000 a year  
23 to the --

24 MS. SILVER: You're letting him go and on.

25 MR. WORTMAN: -- police department, \$1,000. I

Proceedings

1 am not a rich person because of the work that they do.

2 MS. SILVER: Why are you letting him speak? I  
3 don't understand this.

4 MR. WORTMAN: And I can't understand how --

5 THE COURT: I let you speak too.

6 MR. WORTMAN: -- in the world am I --

7 MS. SILVER: I didn't say anything I had to say  
8 -- I could bash him, too.

9 MR. WORTMAN: -- tied into police.

10 MS. SILVER: How we had a three year  
11 relationship with me.

12 MR. WORTMAN: Suing police? How could you sue  
13 policemen?

14 MS. SILVER: Your Honor, he has my documents.

15 MR. WORTMAN: Documents. I told you I don't  
16 know what document is --

17 MS. SILVER: I have him on a recorded phone  
18 line.

19 THE COURT: Well --

20 MR. WORTMAN: By the way, do I also know your  
21 sister?

22 MS. SILVER: And I didn't say it -- your Honor,  
23 I didn't say it. I said it's relevant to the case. I  
24 never said it's relevance to the diligence. The  
25 diligence is --



Proceedings

1 MR. WORTMAN: Do I know your sister?

2 THE COURT: That's the only issue in the case.

3 MR. WORTMAN: How many times did you text me,  
4 how come I am carrying on with your sister?

5 MS. SILVER: I understand but Honorable Ross in  
6 January came back and she said that she wants me to do a  
7 limited discovery based upon what my -- limited discovery  
8 based upon my diligence and again -- this already -- the  
9 motion was already served on them.

10 THE COURT: The only thing that you've said is  
11 that you basically -- you never had these documents.  
12 Right?

13 MS. SILVER: He had -- he never gave them to  
14 me.

15 THE COURT: For how many years have you not had  
16 these documents and did you take any other steps to try  
17 to identify who the police officers were? Did you make a  
18 FOIA request? Did you --

19 MS. SILVER: I asked Honorable Ross if I could  
20 have a two week extension.

21 MR. WORTMAN: No.

22 THE COURT: No, no, no. I am not talking about  
23 now. I am talking about back when this happened.

24 MS. SILVER: Yeah, I have--

25 THE COURT: Within the statute of

Proceedings

1 limitations --

2 MS. SILVER: I'm collecting all of my  
3 information. I am almost done -- I'm almost done with my  
4 diligence or --

5 MR. WORTMAN: Seven years.

6 MS. SILVER: I need like another week.

7 THE COURT: Okay.

8 MR. WORTMAN: Jackie?

9 THE COURT: There's been --

10 MS. SILVER: The City --

11 THE COURT: -- I don't --

12 MS. SILVER: -- but the City, your Honor --

13 MR. WORTMAN: -- did my mother-in-law --

14 THE COURT: -- understand in any way what these  
15 documents will do to help your --

16 MS. SILVER: Because they go to --

17 THE COURT: -- establishment of diligence.

18 MS. SILVER: -- I know him for 15 years. He  
19 told me that --

20 THE COURT: But you don't know what the  
21 documents are.

22 MR. WORTMAN: I also don't because --

23 MS. SILVER: So now he has them.

24 MR. WORTMAN: -- I never saw them.

25 MS. SILVER: He's lying. He's lying.

Proceedings

1 THE COURT: Even if he has the documents now,  
2 what are they going to do for you?

3 MS. SILVER: It's relevant to the case.

4 THE COURT: It doesn't matter.

5 MR. WORTMAN: What case?

6 THE COURT: The only issue in the case is  
7 whether or not you were diligent during the statute of  
8 limitations period in identifying who the officers were.  
9 That's the only issue.

10 MS. SILVER: Well, if the case goes forward,  
11 your Honor --

12 MR. WORTMAN: How could you sue police? How  
13 could you sue police? Jackie, where do you live?

14 MS. SILVER: If your case goes forward --

15 THE COURT: We'll talk to that when we get  
16 to -- Mr. Wortman --

17 MS. SILVER: But I don't understand something.  
18 Can I ask you a question, okay?

19 THE COURT: What?

20 MS. SILVER: They were served the motion,  
21 right, contempt? I mean the subpoena. Right? If you  
22 don't answer by a certain time, it gets waived. So Susan  
23 Wortman waived any of her rights to answer the subpoena.

24 THE COURT: If she doesn't have the documents,  
25 how can she comply with it?

Proceedings

1 MS. SILVER: But that's six months ago. Six  
2 months ago.

3 MR. WORTMAN: We're looking for the truth.

4 MS. SILVER: She didn't tell me anything.

5 MR. WORTMAN: We are not looking for what's  
6 hidden.

7 MS. SILVER: I'm not a hundred percent sure.

8 MR. WORTMAN: My mother-in-law -- and my  
9 mother-in-law is not the one that made you lose all of  
10 your cases.

11 MS. SILVER: I think it would be incriminating  
12 me.

13 MR. WORTMAN: Do you remember that? My mother-  
14 in-law, the chief judge, who never stepped into court a  
15 day in her life?

16 MS. SILVER: This is another thing that -- in  
17 other words -- I am a hundred percent sure that he has  
18 the document -- well, you're letting him speak on  
19 something that's totally irrelevant. I don't understand.

20 THE COURT: This whole issue is irrelevant.

21 MR. WORTMAN: It's relevant because it shows  
22 exactly what you're made up of and what you do. You  
23 actually sue police.

24 MS. SILVER: Why are you letting him speak like  
25 this?

Proceedings

1 THE COURT: All right. Mr. Wortman, that's  
2 enough.

3 MS. SILVER: He's telling you totally  
4 irrelevant stuff and he's defaming my -- ruining my case.

5 MR. WORTMAN: Your Honor, is there any way I  
6 could get an order of protection from this --

7 MS. SILVER: Excuse me?

8 THE COURT: Not in this court. If you want to  
9 do that, you're going to --

10 MR. WORTMAN: All right.

11 THE COURT: -- have to go through other  
12 channels.

13 MR. WORTMAN: I am going to go through the  
14 criminal --

15 MS. SILVER: I object. If they have any  
16 criminal matters against me, I have a right to get a  
17 criminal lawyer.

18 THE COURT: No, you don't.

19 MS. SILVER: Because --

20 THE COURT: There's no criminal charges pending  
21 against you in this court.

22 MS. SILVER: I understand that but he's  
23 discussing it then, it's the wrong court.

24 THE COURT: Look, I just want to find out what  
25 the story is with respect to these documents.

Proceedings

1 MS. SILVER: He has my documents. I am a  
2 hundred percent sure.

3 THE COURT: All right. Well, he says he  
4 doesn't and unless you can prove otherwise --

5 MS. SILVER: I could. I have to -- I have to  
6 play it on a -- can I play it on my flash drive on a  
7 computer? I can't put anything to the Court.

8 MR. WORTMAN: Bring the tapes.

9 MS. SILVER: He goes, I have no use for them.  
10 I could give them to you. It's information that you  
11 could use for your case.

12 THE COURT: Look --

13 MR. WORTMAN: You know that it has nothing.

14 MS. SILVER: Police reports. He says it's  
15 doctor's reports .

16 MR. WORTMAN: I wanted to know how you know my  
17 kid's address and why I can't see my children.

18 MS. SILVER: What is this irrelevant (sic) -- I  
19 object. This is not even irrelevant. He's rambling on  
20 and on and on, on tangents.

21 MR. WORTMAN: It shows who you are and what you  
22 are.

23 MS. SILVER: That has nothing to do with this,  
24 your Honor.

25 MR. WORTMAN: And you're going to get arrested

Proceedings

1 again if you come to the --

2 MS. SILVER: Can I ask --

3 MR. WORTMAN: -- house tonight.

4 MS. SILVER: -- can I ask you a question?

5 MR. WORTMAN: Jackie, if you come to my

6 house --

7 MS. SILVER: He's delusional.

8 MR. WORTMAN: Jackie, if you come to my house

9 tonight --

10 MS. SILVER: He's delusional.

11 MR. WORTMAN: -- I have the detectives waiting.

12 They're going to arrest you again.

13 MS. SILVER: He's delusional, your Honor.

14 THE COURT: Look, I just want to know you have

15 a tape that says he --

16 MS. SILVER: I don't -- I have everything. I

17 have a flash drive. I put in my contempt motion back in

18 March and it wasn't even answered.

19 MR. WORTMAN: Let me guess, it got erased.

20 Right?

21 MS. SILVER: I have it.

22 MR. WORTMAN: Oh, sure.

23 MS. SILVER: I have a couple of things here.

24 MR. WORTMAN: Where are they?

25 MS. SILVER: But I can't bring anything into

Proceedings

1 the courthouse.

2 MR. WORTMAN: You're in court now.

3 MS. SILVER: That's the problem.

4 THE COURT: I thought you just said you had it.

5 MS. SILVER: No, I said I can't bring like my  
6 netbook or anything, my tablet.

7 THE COURT: Do you have the --

8 MS. SILVER: I have it --

9 THE COURT: -- flash drive?

10 MS. SILVER: I have it on here.

11 THE COURT: What's that?

12 MS. SILVER: It's an MP3 player.

13 MR. WORTMAN: I don't even know what that  
14 means. And why do you go around recording people?

15 MS. SILVER: And I have it on here.

16 MR. WORTMAN: Are you allowed to just go around  
17 for no reason, say hello to a person before you know  
18 anything, and you're recording them?

19 MS. SILVER: You know, Victor, you're saying  
20 things that, you know what, that have -- are not  
21 pertinent to the case.

22 MR. WORTMAN: That's worse than suing the  
23 police.

24 MS. SILVER: Don't worry. I'm suing you for  
25 emotional distress, okay? And defamation.



Proceedings

1 MR. WORTMAN: I know you're going to do that.

2 MS. SILVER: I know you have my documents,  
3 Victor.

4 MR. WORTMAN: But you better not come to my  
5 house.

6 MS. SILVER: Your wife harassed me. She made  
7 six phone calls back in May, okay, to my house -- to my  
8 voicemail.

9 MR. WORTMAN: No, she made seven.

10 MS. SILVER: She said to me -- but, your Honor,  
11 I don't even think Susan Wortman is credible because she  
12 told me she is a goody two shoes and she's honest.  
13 Meanwhile, she told me the documents are in the  
14 synagogue.

15 MR. WORTMAN: She told you they could be  
16 anyplace including the synagogue.

17 MS. SILVER: You don't know, Victor. You  
18 weren't there. He didn't hear the conversation.

19 MR. WORTMAN: And you must watch your language.  
20 I was in the building --

21 THE COURT: I still have no idea --

22 MR. WORTMAN: -- when this conversation took  
23 place and you spoke to me and I told you, how could you  
24 say that to a thirteen year old girl?

25 MS. SILVER: Your Honor, the documents are

Proceedings

1 relevant to my case.

2 MR. WORTMAN: You're going to get arrested.

3 MS. SILVER: No, the documents are relevant to  
4 my case.

5 MR. WORTMAN: You know what your answer to me  
6 was?

7 THE COURT: Are these documents --

8 MR. WORTMAN: Your answer to me was you're not  
9 going to get arrested because you have mental illness.

10 MS. SILVER: Why don't you ask him --

11 MR. WORTMAN: Who said that?

12 MS. SILVER: -- why don't you ask him --

13 THE COURT: Mr. Wortman, have you ever had any  
14 documents related to Ms. Silver?

15 MR. WORTMAN: Zero, not even anything close.

16 MS. SILVER: So, what -- can I ask some  
17 questions?

18 THE COURT: What are these documents supposed  
19 to be?

20 MS. SILVER: Are you asking me or him?

21 MR. WORTMAN: I wish I knew.

22 THE COURT: You.

23 MS. SILVER: Okay. He told me -- that's what I  
24 am not clear about. All he said to me was -- and he was  
25 very adamant, and he told me we'll meet and he'll give

## Proceedings

1 them to me.

2 MR. WORTMAN: That wasn't the question, I think  
3 your Honor asked you.

4 MS. SILVER: He said there's 61 pages. Your  
5 Honor, I swear to God on my life, I am under oath. I  
6 have no reason to lie. This has been going on for eight  
7 months. It's ruining my case. I can't sleep at night.  
8 This is like ruining my case.

9 THE COURT: I still have no idea what these  
10 documents --

11 MS. SILVER: Okay.

12 THE COURT: -- are supposed to prove.

13 MS. SILVER: There's 61 pages, he told me of  
14 medical records, of things about me that I would have  
15 never believed he said, and he said there's police  
16 reports in there. I have known him for sixteen years.  
17 When my sister had me -- you know, I went to a mental --  
18 in the hospital on May 27th, 2012, he told me he will  
19 help me out. And he said to me maybe we can find out on  
20 the police report and I thought maybe it could lead to  
21 the police, who the police were.

22 THE COURT: Why couldn't you just ask for the  
23 police report from the police?

24 MR. WORTMAN: Because you presented a totally  
25 different thing to me.

## Proceedings

1 MS. SILVER: Because at the time -- this was --  
2 at the time, I didn't even have a case going yet. I've  
3 known him for a year, I confided in him. But what I am  
4 not understanding, if I have him on tape, how could he  
5 say he is lying? I have no reason to make this up, your  
6 Honor. I don't have a mental illness, thank God. Okay?  
7 He hallucinates, by the way, he told me and I'll get -- I  
8 will pull his records.

9 MR. WORTMAN: I what?

10 MS. SILVER: He -- you hallucinate, you told  
11 me. Okay? You have multiple sclerosis.

12 THE COURT: Okay.

13 MR. WORTMAN: What's this thing that you  
14 started a rumor --

15 THE COURT: Unless you can explain to me why  
16 these documents are at all relevant to the sole issue in  
17 this case at this point, which is whether or not you  
18 exercised due diligence in identifying the police  
19 officers during the statute of limitations period, I just  
20 -- this is a waste of everyone's time. Even if he had  
21 records that might be tangentially related to your case,  
22 it doesn't explain to me why getting those records now  
23 would have anything to do with proving diligence.

24 MS. SILVER: Because, I told you, it's a minute  
25 part of it. It's not the whole thing.

Proceedings

1 THE COURT: But how? You haven't explained --  
2 you said it's part of it, but you haven't explained how.

3 MS. SILVER: And, your Honor, if I get the  
4 documents that he has in his possession that Bay Terrace  
5 Jewish Center has, I mean, then maybe I could tell you  
6 exactly but he is very general about it. What I could  
7 tell you is he knows detectives, as he just said.

8 MR. WORTMAN: The Bay Terrace Jewish Center  
9 has a thousand members --

10 MS. SILVER: He knows detectives. He knows a  
11 lot of people. He's a cantor in a synagogue.

12 MR. WORTMAN: Your Honor --

13 MS. SILVER: He told me could help me out --

14 MR. WORTMAN: -- there are a thousand people in  
15 that synagogue.

16 MS. SILVER: -- because the Queens Supreme  
17 Court, the one I had in the Queens Supreme Court, your  
18 Honor, is related to this.

19 MR. WORTMAN: And I have been there for 47  
20 years.

21 MS. SILVER: Whatever I did for the Queens  
22 Supreme Court, I did for this one, too. That's what I  
23 did. So he helped me out when his sister put --

24 MR. WORTMAN: And now I have to listen to  
25 someone suing police.

Proceedings

1 MS. SILVER: Could he -- I mean, I need -- I  
2 can't speak over him. He had his time to talk. I mean,  
3 the only way as I put in two motions, one, I mean, I did  
4 one in March and it was never answered and I asked for a  
5 ruling --

6 MR. WORTMAN: What did my lawyer tell you?  
7 Waste your paper.

8 MS. SILVER: -- and then I asked you -- I asked  
9 -- I put it all in the letter twice. I mean, all I could  
10 tell you, your Honor, is that what I have what he told  
11 me. I mean, isn't that enough evidence?

12 MR. WORTMAN: I have what you told me.

13 MS. SILVER: I don't really -- I am not --

14 THE COURT: I have what you wrote but I don't  
15 have a tape. I haven't heard anything.

16 MS. SILVER: Well, how am I supposed to do  
17 that? I can't bring anything into the Court.

18 MR. WORTMAN: I thought you said you had a  
19 tape.

20 MS. SILVER: I could tell you exactly where it  
21 is.

22 MR. WORTMAN: That's hearsay. I want to see  
23 the tape because if there's a tape like that, that means  
24 you doctored it.

25 MS. SILVER: Okay, Victor --

Proceedings

1 MR. WORTMAN: And you are going to go to  
2 prison.

3 MS. SILVER: -- you never -- you never --  
4 you're under oath now. You never told me anything about  
5 any documents.

6 MR. WORTMAN: Not a word other than denying  
7 that I have them.

8 MS. SILVER: Yes, because he -- your Honor, he  
9 hallucinates.

10 MR. WORTMAN: And also denying that my mother-  
11 in-law is the chief judge.

12 MS. SILVER: He hallucinates. What does --

13 MR. WORTMAN: Were you hallucinating then?

14 MS. SILVER: -- this have to do with it? He's  
15 going off on tangents.

16 THE COURT: I don't know. Give me the tape if  
17 you got it.

18 MS. SILVER: I have an MP3 -- I have it on an  
19 MP3 player and I have it on a --

20 MR. WORTMAN: You're liable to go home now and  
21 create a tape. And please don't come to my house.

22 MS. SILVER: I agree with you, your Honor.  
23 This --

24 MR. WORTMAN: I want to see my grandchildren.

25 MS. SILVER: Your Honor, I agree. It's wasting

Proceedings

1 your time and I just want to get on with my case, too. I  
2 mean, I don't -- why would I lie?

3 MR. WORTMAN: And did I threaten you not to go  
4 to the judge? Be honest. Did I threaten you?

5 MS. SILVER: You got to put it on speaker  
6 (indiscernible).

7 THE CLERK: (Indiscernible).

8 MR. WORTMAN: Your Honor, may I ask if I could  
9 get anything written that we participated in this  
10 conversation and that we hopefully concluded.

11 MS. SILVER: Can I come over there?

12 THE CLERK: No, just hold on. It may not  
13 (indiscernible) here.

14 THE COURT: Just one second. I am going to see  
15 if this tape can be played.

16 MS. SILVER: I can tell you exactly where it  
17 is, where he said it.

18 MS. FITZGIBBON: For the record, your Honor,  
19 defendants state an objection to the playing of this  
20 recording. It has no relevance to the case or  
21 plaintiff's diligence. She hasn't identified any  
22 relevance to the diligence or identified any -- how this  
23 would have helped her identify the John Does, which is  
24 the sole issue of discovery at this point.

25 THE COURT: The objection is noted. Let's see



Proceedings

1 if we can get it to play and see what it does, if  
2 anything.

3 MS. SILVER: Okay. I have an objection. I  
4 want to just (indiscernible) to your attention, your  
5 Honor. You did tell me I could renew the motion. That's  
6 what I did, I renewed the motion.

7 THE COURT: Uh-hum.

8 THE CLERK: Do you know what the name of this  
9 device is?

10 MS. SILVER: Do I know where it is?

11 THE CLERK: No, the name of the device, the  
12 flash drive.

13 MS. SILVER: Oh, I think it's under  
14 (indiscernible). I think it's SanDisk or -- did this  
15 plug this into a computer with a flash -- a disk?

16 THE COURT: Yeah, I think there's errors on the  
17 drive.

18 MS. SILVER: You can't open it? Because  
19 normally it says (indiscernible) I just open it. I don't  
20 want to get a virus now.

21 THE COURT: There's a (indiscernible) folder.  
22 What is it under?

23 MS. SILVER: It should say -- oh, you mean VW,  
24 it's a long name -- VW, maybe.

25 THE COURT: There's a Word document but there's

Proceedings

1 no --

2 MS. SILVER: I guess I can't look at it, right?

3 THE COURT: You don't know what (indiscernible)  
4 drive (indiscernible)?

5 MS. SILVER: What do you got there because I  
6 can't --

7 THE COURT: Just like (indiscernible).

8 THE CLERK: (Indiscernible).

9 MS. SILVER: How about it's -- I have a  
10 flash --

11 THE CLERK: There's field sheets, clips 2015,  
12 (indiscernible). These are all folders.

13 MS. SILVER: Yeah, if you want to read it, I  
14 could tell you.

15 THE CLERK: So there's -- what do you want,  
16 folders?

17 MS. SILVER: HP stands of my process serving.  
18 The field sheets are my process serving.

19 THE CLERK: No, it says -- but which folder  
20 ma'am?

21 MS. SILVER: What's the last one, ma'am?  
22 What's the last one on the -- I might have put it into a  
23 folder.

24 THE CLERK: Do you know what the file is  
25 called?

Proceedings

1 MS. SILVER: I don't think I put it into a  
2 file. It might have -- is there something that -- the  
3 last one on the --

4 MR. WORTMAN: Oh, this is so frivolous.

5 THE COURT: (Indiscernible). So why don't you  
6 just come over here, so you can identify which file this  
7 is supposed to be under.

8 MS. SILVER: (Indiscernible) computer, I can  
9 put it on here. I know exactly where it is.

10 MR. WORTMAN: All I did was try and help.

11 MS. SILVER: Okay. Go to (indiscernible).  
12 (indiscernible) everything. Where he accuses me of  
13 vandalizing his car.

14 THE CLERK: Can we see the bottom of the  
15 (indiscernible).

16 MR. WORTMAN: I have a tape of that, Jackie. I  
17 am holding that for the criminal case.

18 (Pause)

19 MR. WORTMAN: Hello? Hello?

20 THE CLERK: Nothing is playing.

21 MR. WORTMAN: Your Honor?

22 THE COURT: There's nothing going on?

23 MR. WORTMAN: Your Honor?

24 THE COURT: Yeah.

25 MR. WORTMAN: Am I still on?

Proceedings

1 THE COURT: Yes.

2 MR. WORTMAN: There's a terrible echo.

3 THE COURT: Is that any better?

4 MR. WORTMAN: Much better.

5 THE COURT: Uh-hum.

6 MR. WORTMAN: I hear myself like twice but  
7 that's okay.

8 THE CLERK: I think it might be this one here  
9 not putting sound out because I am not even sure if this  
10 is hooked up to the speaker.

11 THE COURT: I could try it on mine.

12 THE CLERK: Do you need the drive?

13 THE COURT: Yeah, let me have the drive.

14 (Pause)

15 (Recoding played)

16 MS. SILVER: I left messages but this is not  
17 the file.

18 THE COURT: Is this the right file or --

19 (Recoding played)

20 MS. SILVER: This is not it. This it not  
21 right.

22 THE CLERK: She said it's not right.

23 (Recoding played)

24 MS. SILVER: No, those are just phone messages  
25 I kept of him. It's definite here.

Proceedings

1 THE COURT: I don't know if that will work.  
2 Let me see.

3 MS. SILVER: Sorry. If I had my netbook, I  
4 could show it.

5 MR. WORTMAN: Your Honor?

6 MS. SILVER: Oh, it's not coming up?

7 THE COURT: No.

8 MR. WORTMAN: Your Honor?

9 THE COURT: Yes. Go ahead.

10 MR. WORTMAN: She spends hours doctoring tapes.  
11 Yes becomes no. No becomes yes. I've seen it with my  
12 own eyes and when I asked her if she said she's not  
13 worried about that because of mental illness.

14 MS. SILVER: Victor, what does this have to do  
15 with anything?

16 MR. WORTMAN: I have the date, the time. I  
17 saved a lot of papers after I got good advice from the  
18 local police station. They can't believe I'm being sued  
19 and I'm made part of it. I go to the community meetings.  
20 I go to all the various -- many functions and for my name  
21 to appear suing the -- the police is a defamation. I  
22 wish there was a way to strike all of that.

23 MS. SILVER: I don't know how to do it -- I  
24 don't have my netbook. If I had my netbook, I would put  
25 it on.

## Proceedings

1 THE COURT: Look, I still -- there's nothing  
2 here but -- look, I still haven't heard any particular  
3 reason why these documents, even if they exist, would go  
4 to the sole issue that's before the Court.

5 MS. SILVER: But the documents -- I didn't  
6 subpoena Mr. and Mrs. Wortman in December. The  
7 diligence, your Honor, as I told Judge Ross, wasn't even  
8 -- wasn't even in question yet. She didn't even -- when  
9 Kaitlin did her motion to dismiss on that grounds --

10 THE COURT: The only issue at this point that's  
11 still outstanding is diligence. If you can't establish  
12 diligence --

13 MS. SILVER: Right, but --

14 THE COURT: -- then the rest of the case is  
15 being dismissed for statute of limitations violations.  
16 So there are no other --

17 MS. SILVER: Well, I thought --

18 THE COURT: -- there are no other issues that  
19 need to be explored until that initial issue of the  
20 diligence --

21 MS. SILVER: Right, I am --

22 THE COURT: -- is dealt with.

23 MS. SILVER: I asked Judge Ross for an  
24 extension and I didn't get a response back. I didn't --  
25 I'm almost done. I just need like a week.

Proceedings

1 THE COURT: Okay. I'll --

2 MR. WORTMAN: And since when do you send a  
3 subpoena answering to a P.O. Box?

4 MS. SILVER: Well, that's what I am saying? He  
5 -- but what I am supposed to do? He had -- I swear to  
6 God, he has my documents. I can't --

7 THE COURT: But again, I don't understand that  
8 the difference is -- let's assume you're right and he has  
9 your documents, getting them now isn't going to help you  
10 establish diligence. Let's assume -- if you get past  
11 that point and you want to litigate the rest of the case  
12 and he has documents that might be relevant to the case,  
13 then maybe we have something to talk about but if the  
14 only issue is whether or not you diligently pursued the  
15 case, I don't see how getting those documents now, years  
16 after the fact, is going to save you one way or the  
17 other.

18 MS. SILVER: Well --

19 THE COURT: You can certainly put into your  
20 motion what efforts you took to get these documents but  
21 if you don't know what they are and you don't know, you  
22 know, when they were in existence and how they would have  
23 helped you back then, I just don't know how you're going  
24 to be able to establish diligence with respect to  
25 anything having to do with these documents. I don't see

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1 how it helps you at all.

2 MS. SILVER: Well, I am trying to explain to  
3 you that Ms. -- Judge Ross, when she did the -- when she  
4 did the motion -- when she did the motion to dismiss back  
5 in December --

6 THE COURT: Uh-hum.

7 MS. SILVER: -- not it's earlier, it was after  
8 January, I already served him with a subpoena.

9 THE COURT: Okay.

10 MS. SILVER: So what I am not understanding,  
11 why are they getting special treatment? Forget about the  
12 diligence -- forget about the documents that he has -- I  
13 know he has them, okay, but when -- if I am right.

14 First of all, I want to ask you, motion  
15 practice, isn't motion practice a motion, right, and then  
16 opposing papers and then reply, is that correct? It --

17 THE COURT: It depends on the motion.

18 MS. SILVER: Okay.

19 THE COURT: Why?

20 MS. SILVER: I did a motion to hold him in  
21 contempt. They have a certain amount of time per the  
22 Federal Rules of Civil Procedure 45, number C.

23 THE COURT: Yeah, but they're a nonparty and  
24 they're not represented by counsel. So the rules are  
25 much different.



Proceedings

1 MS. SILVER: Well, Victor Wortman was adamant  
2 about -- I mean, our conversation I had with him, I  
3 didn't even -- he's talking on and on and on. I can  
4 stand here and talk on and on too. He was adamant. He  
5 said him and Susan Wortman are represented by counsel.  
6 He has an attorney.

7 THE COURT: Well, they're not represented in  
8 this case.

9 MS. SILVER: But any subpoena is usually a  
10 nonparty.

11 THE COURT: No, not necessarily.

12 MS. SILVER: But I read -- I read with nonparty  
13 subpoenas in the Federal Rules of Civil Procedure and on  
14 the manual, the pro se manual, this is how this Court  
15 works. I mean, how are they -- they should be held -- I  
16 want the monetary stage, look what they put me through  
17 for eight months. They didn't answer, your Honor.  
18 Victor Wortman never answered the subpoena. Could you  
19 ask him why? I want to know why he never answered it.  
20 Can I ask him?

21 MR. WORTMAN: It's not relevant. And also, I  
22 probably --

23 MS. SILVER: It is relevant.

24 MR. WORTMAN: -- sent it to your P.O. box.

25 MS. SILVER: It is relevant. Your Honor, I

Proceedings

1 swear to God, he did not answer.

2 MR. WORTMAN: You've been sending me a hundred  
3 papers a day.

4 MS. SILVER: Their time to answer the subpoenas  
5 have lapsed. It should be waived. This isn't fair to  
6 me. This isn't fair to me.

7 MR. WORTMAN: And you have to stop playing --  
8 you have to stop playing judge and lawyer.

9 MS. SILVER: In Susan Wortman's letter, she is  
10 harassing me.

11 MR. WORTMAN: You're not.

12 MS. SILVER: I have a right to oppose her  
13 letter, don't I?

14 THE COURT: I have enough of this. This is a  
15 complete rabbit hole.

16 MS. SILVER: All right. The bottom line is  
17 they have -- I want to put this on the record, okay?

18 THE COURT: You put whatever you want on the  
19 record.

20 MS. SILVER: Okay. I want to just say it again  
21 because this is -- I mean, I am the plaintiff. I'm the  
22 pro se. I have a right to bring a -- to serve a subpoena  
23 on anybody I feel has relevant documents to my case. I  
24 never said diligence.

25 THE COURT: That's the only --

Proceedings

1 MR. WORTMAN: Your Honor, this gives her an  
2 open book.

3 MS. SILVER: Judge Ross --

4 THE COURT: -- issue --

5 MS. SILVER: Okay.

6 THE COURT: -- that's before this Court.  
7 That's the only issue before the Court. Anything else is  
8 irrelevant at this point.

9 MS. SILVER: So it's irrelevant that they  
10 didn't answer a subpoena from eight months ago?

11 THE COURT: We're dealing with that now.

12 MS. SILVER: Right. So they didn't answer the  
13 subpoena. I want -- I still want Susan Wortman. I am  
14 going to appeal it because --

15 MR. WORTMAN: You never sent me anything.

16 MS. SILVER: -- they have a certain amount of  
17 time.

18 THE COURT: All right. Well --

19 MS. SILVER: I am going to appeal it anyhow, so  
20 because you know what? They're not special and they're  
21 nonparty subpoenas. And actually, I am going to say  
22 because he's saying irrelevant stuff, I -- as you know, I  
23 am a licensed process server and I serve a lot of  
24 subpoenas and I spoke to somebody who has a process  
25 serving --

Proceedings

1           MR. WORTMAN: Jackie, do you have your license  
2 on you?

3           MS. SILVER: -- association, your Honor. And  
4 they did -- he did say also that if you don't answer a  
5 subpoena, especially when it's an amount of time, you're  
6 held in contempt of court. What --

7           MR. WORTMAN: Then what did he tell me?

8           MS. SILVER: -- why aren't they held in  
9 contempt of court?

10          MR. WORTMAN: I have nothing to do with Jackie  
11 Silver.

12          MS. SILVER: That's the Federal Rules of Civil  
13 Procedure, number C, I don't understand it. Why are they  
14 any different?

15          THE COURT: Because it is not automatic. You  
16 have to establish that they have what you're asking for.  
17 They've said that they don't.

18          MS. SILVER: No, you have to establish --

19          THE COURT: You haven't established that.

20          MS. SILVER: -- to obey the subpoena with a  
21 reasonable --

22          THE COURT: The answer is they don't have what  
23 you're looking for.

24          MS. SILVER: But what is -- what is eight  
25 months? He should have been subpoenaed -- he should have

Proceedings

1 been held in contempt months ago. I gave him chances  
2 after chances after chances. He never answered it, your  
3 Honor.

4 MR. WORTMAN: You gave me a chance?

5 MS. SILVER: I want to -- I want to --

6 MR. WORTMAN: Which mind are you in now?

7 MS. SILVER: I am going to appeal it because I  
8 want monetary sanctions for Victor and Susan.

9 THE COURT: Okay. Well --

10 MS. SILVER: Look at what they put me through.

11 MR. WORTMAN: Your Honor, I just don't --

12 THE COURT: I think you're putting yourself  
13 through this.

14 MR. WORTMAN: -- want my grandchildren hurt.

15 THE COURT: I don't think this is relevant at  
16 all to the issue in the case.

17 MS. SILVER: But they didn't answer the  
18 subpoena.

19 THE COURT: You've spent months pursuing this  
20 and it's not helping you in any way.

21 MS. SILVER: Because he has my documents.

22 THE COURT: The documents are not going to help  
23 you at this point.

24 MS. SILVER: But you don't know that. Nobody  
25 knows what's in them.

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1 THE COURT: Neither do you which is why they  
2 can't possibly help you.

3 MS. SILVER: We'll have a better shot of what's  
4 in them. Why don't you ask him? He sais 61 pages of  
5 medical records and he knows very much about that I was  
6 evaluated by a doctor, which was not true. And he knows  
7 that it's -- he said he could help me with the police in  
8 finding out the names. That's what he told me when he  
9 started -- when I started hanging out with him.

10 MR. WORTMAN: I don't recall -- I don't know a  
11 word of --

12 MS. SILVER: So I mean --

13 MR. WORTMAN: -- what you're talking about.

14 MS. SILVER: -- I said verbatim on my contempt  
15 motion, when I renewed, your Honor.

16 MR. WORTMAN: Verbatim, you could say whatever  
17 you want. It doesn't mean that it happened. Really?  
18 Your Honor --

19 MS. SILVER: I mean --

20 MR. WORTMAN: -- all I want is for her not to  
21 come to my house because she --

22 MS. SILVER: Okay. This is irrelevant. This  
23 has nothing to do with this.

24 MR. WORTMAN: -- is going to use this appeal to  
25 come to my temple, to disturb all the employees.

Proceedings

1 MS. SILVER: This has nothing to do with this.  
2 It's lies, it's lies after lies and it has nothing to do  
3 with it.

4 MR. WORTMAN: And criminal court --

5 MS. SILVER: And I object to this.

6 MR. WORTMAN: -- will issue whatever I need, I  
7 hope --

8 MS. SILVER: I object to it.

9 MR. WORTMAN: -- and if not, I hope I can get  
10 your help.

11 MS. SILVER: Because right now he is defaming  
12 me. I know he has them and that's the bottom line.

13 THE COURT: All right.

14 MS. SILVER: And I never said -- I said  
15 relevant to my case.

16 MR. WORTMAN: Your Honor, I know I don't have  
17 them. I swear on everything that's nice and good to me.

18 MS. SILVER: Yeah, but he has multiple  
19 sclerosis, I was told.

20 THE COURT: So what does that have to do with  
21 anything?

22 MS. SILVER: Because he is saying -- so what  
23 does that have to do with I have a mental health  
24 condition?

25 THE COURT: All right.

Proceedings

1 MS. SILVER: I mean, there's nothing to it.

2 THE COURT: I find --

3 MR. WORTMAN: And how many times were you  
4 arrested for sex?

5 THE COURT: I don't find that there's any basis  
6 for the contempt. I'm denying the motion. If you want  
7 to appeal it to Judge Ross, you're welcome to do so.

8 MS. SILVER: I am. I am.

9 THE COURT: How much time do you need to finish  
10 up whatever affidavit you want to submit?

11 MS. SILVER: I --

12 THE COURT: For, you know --

13 MS. SILVER: Whatever time you want to give me.  
14 I have to focus on this, appealing it.

15 MS. FITZGIBBON: Your Honor, at this point, we  
16 have spent the entirety of this -- this discovery period,  
17 if I am remembering correctly, I believe plaintiff was  
18 given 30 to 60 days originally to complete this discovery  
19 which if plaintiff was diligent during the limitations  
20 period, plaintiff should have been able to pull out some  
21 records and point to something that she did, if anything,  
22 during that period, to find the John Does.

23 She has focused entirely and solely on this  
24 issue dealing with the Wortmans, filing motion after  
25 motion, to hold them in contempt to get documents --



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1 MR. WORTMAN: Thank you.

2 MS. SILVER: (Indiscernible) own though. This  
3 isn't fair.

4 MS. FITZGIBBON: -- to get documents from them.  
5 Plaintiff has stated today that this is a minute part of  
6 her case. I have not heard anything else during this  
7 entire discovery period as to what other evidence she  
8 might come forward with at any point.

9 MS. SILVER: I didn't know -- I didn't know  
10 this -- this conference was for this. You said that Mr.  
11 and Mrs. Wortman were going to be calling.

12 THE COURT: Look, that's the only purpose for  
13 this conference but there has to be an end to this.

14 MS. SILVER: Well, then it's not --

15 THE COURT: This has gone on way longer than it  
16 should have for a very --

17 MS. SILVER: It's not ending because I know he  
18 has my documents and he should be held in contempt. You  
19 don't answer a subpoena, you get held in contempt.

20 MS. FITZGIBBON: If I may?

21 THE COURT: All right. We're past this issue.

22 MS. FITZGIBBON: So defendants would just ask  
23 that a very short period of time be given to plaintiff to  
24 complete this and defendants will adamantly oppose any  
25 further extensions. We would like to make our motion and

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1 have that decided, so we can either move on with the case  
2 or have the case dismissed.

3 MR. WORTMAN: All for it.

4 THE COURT: You said you have --

5 MS. SILVER: Why is he still on the phone? I  
6 don't understand. He's like making comments. This --

7 THE COURT: Okay. Mr. Wortman --

8 MS. SILVER: You think this is fair?

9 THE COURT: -- you don't need to be on this  
10 anymore.

11 MS. SILVER: I mean, this isn't right.

12 THE COURT: The motion is denied.

13 MR. WORTMAN: Thank you, your Honor. Your  
14 Honor, is there anyway to get a paper stating that I  
15 participated with the court today?

16 THE COURT: You can ask --

17 MR. WORTMAN: Because I am worried about Jackie  
18 Silver writing up that I didn't show today.

19 MS. SILVER: I am worried about you, Mr.  
20 Wortman, okay?

21 MR. WORTMAN: And all of this stuff that she  
22 does.

23 THE COURT: All right, well --

24 MS. SILVER: And your adultery, okay?

25 THE COURT: It's on the docket --

Proceedings

1 MS. SILVER: That you committed.

2 THE COURT: -- if you want a copy, Ms.  
3 Fitzgibbon can send it to you.

4 MS. FITZGIBBON: Yes.

5 MR. WORTMAN: Could I ask for a copy?

6 MS. SILVER: Why is she sending to a nonparty  
7 subpoena? I don't understand. Why is she sending to a  
8 nonparty?

9 MR. WORTMAN: What a game.

10 MS. SILVER: I'm at a bit disadvantage here  
11 because I am pro se and I'm getting taken advantage of,  
12 your Honor. Like why -- why are they -- because they  
13 probably called the pro se --

14 THE COURT: Why does it matter to you?

15 MS. SILVER: Because why are they communicating  
16 with --

17 THE COURT: How is it harming you if the  
18 witness gets a copy of it from opposing counsel? How is  
19 that harming you?

20 MS. SILVER: Because I have reason to believe  
21 that they're going behind my back and talking to the pro  
22 see office. The pro se office is --

23 THE COURT: What are you talking about?

24 MR. WORTMAN: What are you hiding?

25 MS. SILVER: Why is he sitting there talking on

Proceedings

1 and on and on bashing me?

2 THE COURT: All right. Look, Mr. Wortman,  
3 you're free to go and Ms. Fitzgibbon will send you a  
4 copy.

5 MR. WORTMAN: Thank you, your Honor. Your  
6 Honor, how do I get that paper again? It's recorded you  
7 said?

8 THE COURT: It's on the docket and Ms.  
9 Fitzgibbon said she will send you a copy of this.

10 MS. FITZGIBBON: Yes.

11 THE COURT: It will just be in the minute entry  
12 from the conference.

13 MR. WORTMAN: Thank you.

14 THE COURT: All right.

15 MR. WORTMAN: Ms. Fitzgibbon, thank you.

16 MS. SILVER: I don't understand why she is  
17 doing this.

18 MR. WORTMAN: Your Honor, thank you. It's been  
19 a pleasure talking to you. Thank you.

20 THE COURT: All right. Have a good day.

21 (Mr. Wortman excused)

22 MS. SILVER: You don't think There's anything  
23 wrong with him bashing me and saying stuff about me like  
24 this?

25 THE COURT: You said plenty of stuff against

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1 him too.

2 MS. SILVER: Right. What --

3 THE COURT: None of it's relevant.

4 MS. SILVER: So why did you let him go on and  
5 on and on?

6 THE COURT: Frankly, I should have cut this off  
7 an hour ago.

8 MS. SILVER: He has my documents, your Honor.

9 THE COURT: Well, you have until September 15th  
10 to submit whatever you want to the Court to show your  
11 diligence.

12 MS. SILVER: And I have been asking the Court  
13 for an attorney. Who do I give it to, you or the pro se  
14 office?

15 THE COURT: Have you made that request before?  
16 I think it's already been denied, hasn't it?

17 MS. SILVER: A year and a half ago.

18 THE COURT: All right.

19 MS. SILVER: I felt like I was getting set up  
20 honestly.

21 (Pause)

22 MS. SILVER: Your Honor, I really don't  
23 understand. Why is a lawyer for the opposing counsel --  
24 I mean, why is she sending Victor and Susan stuff? I  
25 don't understand.

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1 THE COURT: Because they're nonparties to the  
2 case, so they don't have access to the docket.

3 MS. SILVER: He has a lawyer, he told me. So  
4 anything he said to me doesn't count. He told me he has  
5 a lawyer.

6 THE COURT: Well, there's no lawyer that  
7 appeared for him in this case. Look, I am not directing  
8 her to do anything. If she chooses to do that on her  
9 own, that's her prerogative.

10 MS. SILVER: Well, Kaitlin, why would you do  
11 that? I don't understand.

12 MS. FITZGIBBON: I am doing it as a courtesy.

13 MS. SILVER: But how -- how did you even know  
14 where to send it?

15 MS. FITZGIBBON: At the prior conference that  
16 you did not appear at, this was discussed and the Court  
17 asked me to extend that as a courtesy and I -- that is  
18 the only thing that I have sent to the Wortmans and I  
19 will send them a copy of this order. For the record,  
20 that is it.

21 MS. SILVER: Okay. It doesn't -- as I said  
22 again, it doesn't matter that Mr. or Mrs. Wortman did not  
23 answer this motion?

24 THE COURT: At this point it doesn't because I  
25 don't see how -- what the purpose of it is. I mean, if

## Proceedings

1 you want to continue to fight about whether or not they  
2 have your documents, I mean, you can continue to waste  
3 your time but the only issue before the Court is your  
4 diligence. Even if they're lying, let's assume I believe  
5 you and you're able to establish that he has these  
6 documents and he lied to the Court about it. Okay, fine.  
7 Maybe he gets sanctioned for that.

8 But it doesn't help you because I don't see --  
9 you haven't articulated to me any basis for believing  
10 that these documents are going to support your diligence  
11 argument.

12 MS. SILVER: Right, but I explained to you and  
13 Judge Ross when I said that in my papers that I served  
14 them the subpoena in December because he had my  
15 documents.

16 THE COURT: Okay.

17 MS. SILVER: And the motion to dismiss, she put  
18 it in January. And Judge Ross decided a month later. So  
19 February, they were already should have been in contempt  
20 because nobody -- why wasn't my contempt motion ever  
21 answered? See I have a problem with this, I will tell  
22 you because I served them with a subpoena, a nonparty  
23 subpoena. They never -- Victor Wortman never answered  
24 it. He never did anything. So why is he getting special  
25 treatment? That's what I am not understanding, whether

## Proceedings

1 it's irrelevant to me, whether he has the documents at  
2 this point and it's irrelevant, your Honor, whether --  
3 what the documents are.

4 The bottom line is he didn't answer a subpoena.  
5 It's a federal rule. Why is he getting allowed to get my  
6 motions denied now when he never even answered it --

7 THE COURT: Okay.

8 MS. SILVER: -- eight months later?

9 THE COURT: We're past this point.

10 MS. SILVER: But, your Honor, I am trying to  
11 understand it.

12 THE COURT: The --

13 MS. SILVER: This is my case and I did a  
14 legitimate subpoena because I felt he had documents  
15 relevant to my case.

16 THE COURT: Okay. And the answer is he says he  
17 doesn't have the documents.

18 MS. SILVER: But this is eight months later.  
19 He never imposed it. If somebody doesn't oppose a  
20 subpoena, it goes unopposed. Is that correct?

21 THE COURT: If the subpoena is for turning over  
22 documents, I can't force him to turn over what he doesn't  
23 have.

24 MS. SILVER: I am not asking you to turn over --  
25 -- he does have them. And I knew he was going to say this



## Proceedings

1 but the problem is I have with the system, the legal  
2 system because this is a federal rule. It says unless  
3 you have a reasonable excuse, within fourteen days you  
4 have to either oppose it or answer it. Something. He  
5 didn't obey and comply with the subpoena.

6 THE COURT: Okay, but --

7 MS. SILVER: For eight months?

8 THE COURT: -- what's the remedy?

9 MS. SILVER: What's the remedy? Federal Rules  
10 of Civil Procedure number 45(c) says, if within a  
11 reasonable time, which is two weeks, or the time they  
12 were supposed to produce the documents, if they don't  
13 answer the subpoena, they waive their rights. Is that  
14 correct?

15 THE COURT: And if they were objecting to the  
16 subpoena, you might be correct.

17 MS. SILVER: No.

18 THE COURT: In other words, if they had the  
19 stuff and they wanted to make a legal objection, then  
20 maybe they forfeited that by waiting too long but if the  
21 answer is they don't have what you're looking for, then  
22 as a practical matter, there's nothing else to be done.

23 MS. SILVER: Right, but this is eight months  
24 later.

25 THE COURT: I understand that.

## Proceedings

1 MS. SILVER: I did a contempt --

2 THE COURT: But we've been dealing with this  
3 for several months.

4 MS. SILVER: Yeah, but it never -- I did a  
5 contempt motion back in March. And it was never  
6 answered, which I understand takes time and then a couple  
7 of months later, her lawyer downstairs, she told me to do  
8 a Rule -- asked Judge Ross to rule on it, and it wasn't.

9 Susan Wortman writes a letter to the judge  
10 bashing me and it gets a conference and then it gets  
11 decided on. I did everything I needed to do as a pro se  
12 plaintiff.

13 In the real world, when somebody gets served  
14 with a subpoena, the person who gets served with the  
15 subpoena, let's say (indiscernible) get it, I serve  
16 subpoenas all the time. A hospital gets a subpoena, your  
17 Honor, the hospital is not going to provide a letter to  
18 the judge asking for help and then bashing that person  
19 with all lies. That letter is all lies. And I think  
20 that it should be stricken. I don't know why it's not  
21 stricken from the record. It's all lies.

22 And this is federal -- I don't understand.  
23 They violated the federal rules. I want this on the  
24 record. I want it on the record because you know what?  
25 They should have been held in contempt months ago, right,

## Proceedings

1 if they don't answer a subpoena? He disobeyed -- he  
2 disobeyed. So I am not asking -- I asked now, after  
3 eight months later.

4 I don't really see the relevancy of whether the  
5 documents are, you know, needed for my diligence. It  
6 doesn't matter. They didn't do what they were supposed  
7 to do. If I didn't answer her motion to dismiss, right,  
8 let's say, Judge Ross told me I should answer because if  
9 I didn't answer it, it goes in unopposed, right? And you  
10 rule on a motion to dismiss, is that correct?

11 THE COURT: I mean, we don't need to go down  
12 this road. We're dealing with nonparties. They're not  
13 before the Court. There are practical realities that are  
14 simply different. The only issue is diligence at this  
15 point. I am not going to go down the road of following  
16 up on other stuff that's irrelevant to this issue.

17 If, you know, you're able to convince Judge  
18 Ross that you exercised due diligence and she allows the  
19 suit to continue, then we can talk about whether or not  
20 there's any documents out there that are relevant to the  
21 case that we can go out there.

22 MS. SILVER: I am not concerned now about the  
23 documents. I actually got months ago when I was on the  
24 other case, my medical records from Zucker. I got them.

25 THE COURT: Okay.

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1 MS. SILVER: From my other one, Queens Supreme  
2 one which is related to this one. So I am not worried  
3 about that. I have a lot of stuff. I put together a lot  
4 of things. I am actually trying -- I am actually  
5 probably going to have a lawyer divide it up for me.

6 THE COURT: Okay.

7 MS. SILVER: (Indiscernible). But the thing is  
8 now is that what I'm concerned about is whatever I put  
9 into court doesn't get read and I actually put a -- I  
10 brought in all my documents. I did 15 pages here.

11 THE COURT: Uh-hum.

12 MS. SILVER: I feel like I am wasting my time.  
13 And I don't understand. Anybody who gets subpoenaed is a  
14 nonparty, usually. Car accidents are nonparty witnesses.

15 And it's a shame because I have him saying it.  
16 He is adamant. He told me he had them. So now he is  
17 lying under oath.

18 THE COURT: Well, look, I tried to listen to  
19 the tape but it's not working.

20 MS. SILVER: I understand that. I know you  
21 tried but this is the point, he's denying a motion when  
22 he's lying. I know he's lying. You say hallucinations  
23 and MS has nothing to do with it but it does because it's  
24 cognitive impairment.

25 THE COURT: But I am denying the motion at this

## Proceedings

1 point because it's not -- you still haven't shown that  
2 it's relevant to the only issue that's before me.

3 MS. SILVER: All right. Maybe I am not  
4 understanding you, your Honor, because when you do a  
5 subpoena, in a normal world, not with a pro se plaintiff,  
6 when you have a lawyer with a lawyer, okay, it doesn't --  
7 first of all, I am sure it doesn't go in front of a judge  
8 and I am sure if she was working with a lawyer on a case,  
9 a plaintiff's lawyer, and she subpoenaed the lawyer, the  
10 lawyer is not going to play around like this and the  
11 lawyer is not going to go and write a letter to the judge  
12 bashing the person. I never heard of this. This is not  
13 normal and then the lawyer is not going to go and if the  
14 lawyer -- tell me if I am right, okay? If you were with  
15 a lawyer now, if I -- if you were talking to my lawyer  
16 right, and you subpoenaed documents from my lawyer and  
17 they didn't answer the subpoena within 14 days, don't  
18 they waive their rights? It's a federal rule.

19 THE COURT: But --

20 MS. SILVER: And then when --

21 THE COURT: -- the only thing that is unusual  
22 in this case is that it was, you know, multiple  
23 unrepresented nonparties. If there had been lawyers  
24 involved, they probably would have moved to quash the  
25 subpoena and we would have dealt with it earlier.

## Proceedings

1 MS. SILVER: Well, that's what Ms. -- my friend  
2 called Mr. Fine, his lawyer. He has a lawyer and he said  
3 he is going to be quashing the subpoena. But what I am  
4 not getting is why -- I am going around in circles. I am  
5 just going to appeal to Judge Ross because he never  
6 answered it and he's getting away with it. This is the  
7 system? This is the legal system? I'll be honest with  
8 you, you know how many times I tried to get -- I enforce  
9 the subpoena? It's my job to enforce a subpoena. And  
10 she comes back with all lies. She's allowed to lie to a  
11 court?

12 MS. FITZGIBBON: Your Honor, if I may,  
13 plaintiff did state before that she is no longer  
14 concerned about getting documents from Mr. Wortman or  
15 Mrs. Wortman --

16 MS. SILVER: Because you know what? The system  
17 is failing.

18 MS. FITZGIBBON: So I would be curious --  
19 defendants would be curious to find out what remedy she  
20 is seeking at this point because as I said before, this  
21 does seem like a personal vendetta and the amount of  
22 resources that the Court has expended on this issue and  
23 the amount of resources that I personally have expended  
24 on this issue when my office has case after case to deal  
25 with and --

## Proceedings

1 MS. SILVER: Yeah, but I didn't  
2 (indiscernible).

3 MS. FITZGIBBON: -- a large case docket, to be  
4 dealing with this issue over and over when -- and your  
5 Honor has heard the same things. We have not been at a  
6 hearing for this issue and had any new information come  
7 up at any point in time. We have litigated this over and  
8 over again and we are going in circles. And if plaintiff  
9 appeals this, I am afraid we're going to be back in the  
10 same exact spot and we are going to be here indefinitely.

11 MS. SILVER: And (indiscernible). Yeah, well  
12 they didn't answer the subpoena. If you were dealing  
13 with a lawyer, what would you do?

14 MS. FITZGIBBON: And on that issue --

15 MS. SILVER: Contempt? What would you do?

16 MS. FITZGIBBON: -- on that issue, if plaintiff  
17 is harping on the Federal Rules of Civil Procedure and  
18 complying with rules and this and that, I have never  
19 received a notice five days prior to when this particular  
20 subpoena was served. So if you're going harp on, you  
21 know, complying with rules, it's -- I think we're a  
22 little far gone from that at this point.

23 MS. SILVER: Well, don't you think Susan  
24 Wortman has a personal vendetta against me? Look at the  
25 letter she wrote. I was told that's borderline criminal.

## Proceedings

1 She lied to a judge. I know she lied, your Honor. What  
2 about the text I gave? I still want to put into evidence  
3 text and -- and she lied and said the synagogue didn't  
4 give me money. He would lie about cash? I have him  
5 right here.

6 THE COURT: Look, I don't care about these  
7 issues. Whatever issues you have with Mr. and Mrs.  
8 Wortman are outside the purview of this court.

9 MS. SILVER: They're not, your Honor. She sent  
10 a letter to the judge and that's why she got a conference  
11 and that's why you say it's me. It's not me. I asked  
12 for documents. They didn't follow the normal procedure  
13 and that's it, Kaitlin. They're the ones that dragged  
14 you in here. I didn't drag you in here. Did I drag you  
15 in here? She wrote the letter. Is that true? Kaitlin  
16 never got served. I never got served. Mr. Chase went  
17 behind my back and called Kaitlin, like I don't exist.

18 This is my case, your Honor, and I have a right  
19 to -- don't I have a right to bring subpoenas to the  
20 Court? Don't I have a right to subpoena people?

21 THE COURT: Okay. We're just going around in  
22 circles. I have once imposed sanctions or found somebody  
23 in contempt without bringing them into court and finding  
24 out why they haven't answered or explained the situation.  
25 So the --



Proceedings

1 MS. SILVER: But Victor Wortman never --

2 THE COURT: -- the Wortmans are not being  
3 treated any differently than anybody else that's ever  
4 appeared before me.

5 MS. SILVER: But he never told you why he  
6 didn't answer me.

7 THE COURT: He just told you he didn't have the  
8 documents.

9 MS. SILVER: But that's not why he -- why  
10 didn't he answer it for eight months. He didn't say  
11 anything.

12 THE COURT: All right. We're just going around  
13 in circles. You do what you want.

14 MS. SILVER: I am going to appeal. I'm sorry.

15 THE COURT: I'm giving you to the 15th to file  
16 whatever evidence you have in support of your diligence  
17 and --

18 MS. SILVER: September 15th, right? That's --

19 THE COURT: -- whatever you want to do on the  
20 contempt motion is up to you. But I am not going to hear  
21 it again, so that's it.

22 MS. SILVER: All right.

23 THE COURT: Okay.

24 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 26th day of September, 2017.

  
Linda Ferrara

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